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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,202	11/17/2003	Raymond P. Brady	2001P07649WOUS	9568

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EXAMINER

RODRIGUEZ, JOSEPH C

ART UNIT	PAPER NUMBER
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3653

MAIL DATE	DELIVERY MODE
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07/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/713,202

Applicant(s)

BRADY ET AL.

Examiner

Joseph C. Rodriguez

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Final Rejection

Applicant's arguments filed 4/10/07 have been fully considered but they are not persuasive for reasons detailed below.

The 35 U.S.C. 112 rejections are maintained or modified as follows:

These rejections have been withdrawn.

The prior art rejections are maintained or modified as follows:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-17 and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by De Leo et al. ("De Leo")(US 6,107,588).

De Leo (Fig. 1-3) teaches a method for sorting delivery-information-bearing sortation items, using a continuous sorting conveyor, according to a specifiable destination route, with a number of destination route sections each subdivided into a number of destination sub-sections, the destination sub-sections having a number of consecutive destination positions, comprising the steps of:

pre-sorting the sortation items according to said specifiable destination route (initial sorting of items through machine in "Common Transport Mode" can be regarded as pre-sorting; col. 6, ln. 31-34);

feeding the sortation items to the continuous sorting conveyor using at least two feeding stations, said at least two feeding stations corresponding to no more than a number of destination route sections and having a number of sorting compartments disposed between two feeding stations (Fig. 1a, 1b showing feed stations near A and B with sorting compartments U1 – Un with sorting conveyors inherent from transport paths; col. 3, ln. 40-65);

conveying, in a first sorting cycle, said sortation items according to their relevant destination position to a corresponding sorting compartment, the number of consecutive sorting compartments corresponding to the largest number of destination positions located within one of the destination sub-sections (col. 5, ln. 7-col. 6, ln. 40 teaching multiple sorting cycles in a separate "address mode"; col. 3, ln. 5 et seq. with fig. 3 illustrating division of mail addresses into adjacent sorting compartments); and

feeding, in a second sorting cycle, said sortation items conveyed to said sorting compartments back to said sorting conveyor by said feeding stations, said feeding said sortation items being performed in a sequence of said destination positions and said sortation items conveyed according to their relevant destination sub-section to a sorting compartment corresponding to said destination sub-section as well as a number

of sorting compartments corresponding to a number of destination sub-sections (Fig. 3; col. 3, ln. 40 et seq. teaching correspondence of destination points with sorting compartments; col. 5, ln. 7 et seq. teaching repeating of operations until a final sort is reached thus multiple sorting cycles are inherent).

Regarding claims 4, 7, 10, 13, 16, 17 and their dependent claims, the destination route sections appear dimensioned such that an approximately even number of sortation items is sorted to each destination route section; the number of destination positions and destination sub-sections within the destination route sections are approximately the same and between two feeding stations there are disposed at least two sorting compartments corresponding to destination route sections and a number of feeding conveyors corresponding to said destination route sections, of which there are at least two, are disposed in the upstream feeding station (Fig. 1a, 1b, 3).

Response to Arguments

Applicant's arguments that the prior art fails to teach the claimed features are unpersuasive. In particular, Applicant's emphasis on the pre-sorting step is misplaced as De Leo as interpreted above teaches a pre-sorting step (i.e., "common" mode can be regarded as pre-sorting step thus "address" mode can be regarded as sorting cycles). With regards to Applicant's further arguments that De Leo does not provide "any disclosure or suggestion as to the relationship between the number of consecutive sorting compartments and the number of destination positions in the first sorting cycle, or the relationship between the number of sorting compartments and a number of

destination sub-sections in the second sorting cycle”, De Leo provides specific examples of how the sorting compartments are arranged and how these “correspond” (i.e., relate) to the destination positions (see e.g., fig. 3; col. 3, ln. 40 et seq. teaching various sections and sub-sections comprising destination positions). Consequently, as the prior art anticipates Applicant’s claimed invention, the claims stand rejected.

Examiner has maintained the prior art rejections, statutory rejections and drawing objections as previously stated and as modified above. Applicant’s amendment necessitated any new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any references not explicitly discussed above but made of record are considered relevant to the prosecution of the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Joseph C Rodriguez** whose telephone number is **571-272-6942** (M-F, 9 am – 6 pm, EST). The Supervisory Examiner is Patrick Mackey, **571-272-6916**.

The **Official** fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

The examiner's **UNOFFICIAL Personal fax number** is **571-273-6942**.

Further, information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PMR only.

For more information about the PAIR system, see

<http://pair-direct.uspto.gov>

Should you have questions on access to the Private PMR system, contact the Electronic Business Center (EBC) at **866-217-9197** (Toll Free).

Signed by Examiner Joseph Rodriguez

Jcr

A handwritten signature in black ink, appearing to be 'J. Rodriguez', written over a horizontal line.

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